

### 4.2.1 Intent and Applicability

Certain land uses due to their extent, nature of operation, limited application, or relationship to natural resources are considered as exceptional cases. The uses listed in this Part may be permitted in certain districts by Conditional Use Permit following a public hearing before the Board of Zoning Adjustment provided such uses will not have an adverse effect on neighboring property, are not in conflict with the goals and plan elements of the Comprehensive Plan, the proposed uses are essential to or will promote the public health, safety, and the general welfare in one or more zones, and are in compliance with the listed standards and requirements.

The following uses are subject to the Conditional Use Permit process:

Section	Conditional Use
4.2.3	Accessory Apartments
4.2.4	Airports, Heliports and Other Aviation Uses
4.2.5	All-Terrain Vehicle (ATV) Courses
4.2.6	Amusement Parks, Circuses and Carnival Grounds
4.2.7	Animal Race Tracks
4.2.8	Athletic Facilities
4.2.9	Bed and Breakfast Inns
4.2.10	Boarding Homes
4.2.11	Camping Areas and Recreational Vehicle Parks, Public and Private
4.2.12	Cemeteries, Mausoleums and Crematories
4.2.13	Commercial Animal Feeding Yards
4.2.14	Commercial Communication Towers
4.2.15	Commercial Greenhouses
4.2.16	Commercial Kennels
4.2.17	Commercial Lakes
4.2.18	Day Care Facilities (providing care for 8 or more persons)
4.2.19	Doctor, Dentist or Chiropractor
4.2.20	Drive-In Theaters
4.2.21	Earth Excavation, Filling and Refuse Disposal Operations, Major
4.2.22	Earth Excavations/Fill, Minor
4.2.23	Electric Power or Steam Generating Plants
4.2.24	Extraction and Development of Oil, Gas, and other Hydrocarbon Substances
4.2.25	Funeral Homes
4.2.26	Golf Driving Ranges, Miniature Golf Courses, and Privately Owned Golf Courses Operated for a Commercial Purpose
4.2.27	Home Occupations
4.2.28	Hospitals, Clinics, and other Medical Facilities

Section	Conditional Use
4.2.29	Institutional Use in Excess of Required Maximum Building Footprint
4.2.30	Rehabilitation Home
4.2.31	Mobile Homes and Manufactured Housing Sales, Display or Storage
4.2.32	Marinas and Boat Rental Facilities
4.2.33	Marinas and Boat Rental Facilities, Commercial
4.2.34	Mini-warehouses
4.2.35	Mobile Home Parks
4.2.36	Multi-Family Dwellings
4.2.37	Non-emergency Generator
4.2.38	Nursing Homes and Homes for the Infirm or Aged
4.2.39	Off-Street Parking Areas
4.2.40	Outdoor Paint Ball Ranges
4.2.41	Potentially Hazardous or Nuisance Uses
4.2.42	Private Non-profit Clubs
4.2.43	Private Proprietary Clubs
4.2.44	Ranges for Shotgun, Rifle, Pistol, Air Rifle, Air Pistol or Other Firearms
4.2.45	Riding Academies and Stables
4.2.46	Scrap Metal Processing Facilities and Junkyards
4.2.47	Sewage Disposal Plants
4.2.48	Solid Waste Management Facilities
4.2.49	Sports Arenas
4.2.50	Storage Yards
4.2.51	Underground Space
4.2.52	Zoos

#### 4.2.2 General Provisions

All Conditional Uses shall meet the following standards in addition to requirements listed for each section:

- A. Additional Requirements - Where the Board finds that the conditions or circumstances relating to a particular application warrant more requirements in addition to those listed in connection with the particular use applied for, the Board may attach additional conditions; refer to 11.5.A.
- B. Relief From Listed Requirements - The Board may decrease or waive listed requirements, either permanently or on a temporary basis; refer to 11.5.A.
- C. Compliance With Listed Requirements and Attached Conditions - The Board shall have the power to revoke Conditional Use Permits for noncompliance with listed requirements or attached conditions.

Furthermore, the Board shall have a right of action to compel the removal of offending structures or uses at the cost of the violator and may have judgment in personam for such cost.

- D. Drives and Parking Areas - All drives and parking areas (except landscaping areas) shall be surfaced with a hard and durable material and properly drained. Gravel drives and parking areas, as well as drives and parking areas constructed with semi-pervious materials approved by the Board, may be permitted.
- E. Compatibility - Conditional Uses shall comply with all applicable standards of the Land Development Code, including the form district regulations, form district transition standards, and landscaping. Additional standards may be included in the listed requirements for a particular use.
- F. Off-Street Parking Requirements - Off-street parking spaces shall be provided in accordance with Chapter 9, Parking Regulations unless otherwise listed. The Board may establish additional parking requirements
- G. Lighting Requirements – Outdoor lighting shall conform to the design, light glare, and light trespass standards as stated in Chapter 4 Part 1, Outdoor Lighting Regulations.
- H. Setbacks and Required Yards - All buildings, structures and facilities, whether permanent or temporary shall observe setbacks and yards in accordance with the appropriate Form District standards. Additional standards may be included in the listed requirements for that use.
- I. Request For A Conditional Use Permit - Application Procedures for Conditional Uses are listed in Chapter 11, Development Review Procedures; of the Land Development Code. Additional requirements for applications may be included in the listed requirements for that use.
- J. The Board of Zoning Adjustment shall have jurisdiction to waive any of the General Provisions and shall have jurisdiction to determine the scope, intensity, and activities included on a property.
- K. Conditional uses are allowed in certain zoning districts. Zoning districts that contain permitted uses from other zoning districts do not allow the same conditional uses (e.g. C-2 zoning district conditional uses are only applicable in the C-2 zoning district, not within the C-M or EZ-1 zoning district). Always check the conditional use list in Chapter 4 Part 2 to determine whether the particular zoning district allows that conditional use.
- L. Before the Board shall release any bond or other assurances given by the applicant for a conditional use permit as provided in this section, the applicant shall file with the Board the following:
  - 1. Sworn statement of the holder of the conditional use permit that all the requirements, conditions, and assurances which were included in the application have been met.

2. If the approval of a conditional use permit included or referred to any surveys, drawings, plans, or specifications which showed the existing, proposed, and ultimate development of the conditional use, the applicant shall file with the Board a written opinion, certified by a professional engineer registered in Kentucky, that all work, improvements and developments have been constructed or installed in conformity with the plans filed with the conditional use application. Copies of this information shall be forwarded to the Director of Public Works for his/her review and recommendation to the Board. In case of a conditional use permit allowing excavation and filling operations, there shall be filed with the Board a survey, certified by a professional engineer registered in Kentucky, showing the finished surface and indications showing the layer of clean earth which was installed and compacted over the fill when the surface was brought to finished grade, in conformance with the approved plan. The indications shall be based on test hole borings taken no farther than 100 feet apart, starting no more than five feet inside and along the edges or boundaries of the fill.
3. A letter of recommendation to the Board from the Director of Works that all work, improvements or development are in conformity with his/her requirements, including a statement that he/she has reviewed the opinion of the engineer.

#### 4.2.3 Accessory Apartments

Accessory Apartments may be allowed in the R-R, R-E, R-1, R-2, R-3, R-4, R-5 and U-N districts upon the granting of a conditional use permit and compliance with the listed requirements.

- A. The principal and accessory dwellings shall be owned by the same person(s). Occupancy of the accessory unit shall occur only while the property owner(s) resides in the principal dwelling on the premises.
- B. The accessory apartment shall be no greater than 650 sq ft or 30% of the floor area of the principal residence, whichever is greater.
- C. If the accessory apartment is located in a freestanding structure, it shall not exceed the height of the principal residence. In the TNFD, permissible height shall be as allowed by the form district regulation, unless the Board approves a differing height. In all other form districts, if the freestanding structure is located within 25 feet of a property line, the height of the structure shall not exceed the average height of accessory structures on abutting parcels or 15 feet, whichever is greater, unless the Board finds that a different height limit is appropriate.
- D. Sites having accessory apartments shall provide off-street parking for the principal and accessory apartment as follows:

1. Neighborhood Form District - at least three off-street spaces provided on the lot, no more than two spaces outdoors;
2. Traditional Neighborhood - at least one off-street space provided on the lot; and
3. Other form districts - at least two off-street spaces provided on the lot; the Board may require additional parking spaces as appropriate.

#### **4.2.4 Airports, Heliports and Other Aviation Uses**

Airports, Heliports and Other Aviation Uses may be allowed in any district upon the granting of a Conditional Use Permit and compliance with the following requirements:

- A. Landing Areas - Landing areas shall be set back at least 50 feet from any property line.
- B. Application - Applications for landing areas shall be sealed by a registered engineer, architect or surveyor depicting pertinent setback and spacing requirements and all associated approach/departure flight paths.
- C. Evidence of Air Rights - Evidence shall be furnished to the Board of the acquisition of property or air rights over all land at the ends of all runways where the required glide path of aircraft, for the class of the airport, is 35 feet or less elevation from the ground.
- D. All buildings and structures shall be at least 30 feet from any property line.
- E. Permitted Hours of Operation – The Board shall determine hours of operation for aviation uses that may impact residential and other noise sensitive uses.
- F. Parking – A minimum of one off-street parking space for each 100 square feet of waiting room space shall be provided. Where no waiting room is provided, two spaces for each craft staging or tie down pad or area shall be provided. The Board of Zoning Adjustment may waive the need for parking areas under appropriate conditions.
- G. Lighting – Strobe lights shall be used only if no alternative lighting is permitted by federal regulation.

#### **4.2.5 All Terrain Vehicle (ATV) Courses**

All Terrain Vehicle (ATV) Courses may be allowed in the R-R, R-1, C-2 and C-M Districts upon the granting of the Conditional Use Permit and compliance with the listed requirements:

- A. All buildings and structures shall be at least 30 feet from any property line.
- B. A buffer strip shall surround the ATV course on all sides, with a minimum dimension of 50 feet. Fencing or other means to exclude vehicles from the buffer area shall be installed.
- C. A noise impact study shall be prepared by an individual or firm with expertise and experience in the field of traffic noise demonstrating that noise levels at any perimeter of the site adjoining residentially zoned property do not exceed 50 dB(A).
- D. An erosion and sedimentation control plan shall be prepared and approved by the Jefferson County Conservation District and MSD.
- E. A tree preservation/landscaping plan shall be prepared, showing trees to be preserved in the buffer area and elsewhere on site as needed to preserve trees and to promote soil stability. The plan shall also show additional landscaping as needed to create a visual screen of the property from adjacent residentially zoned land.
- F. One non-illuminated identification sign not to exceed 30 square feet in area and 10 feet in height may be provided at the main entrance.

#### **4.2.6 Amusement Parks, Circuses and Carnival Grounds**

Amusement Parks, Circuses and Carnival Grounds may be allowed in the R-1, C-2, C-M, M-1, M-2, M-3 and EZ-1 Districts upon the granting of a Conditional Use Permit and compliance with the listed requirements:

- A. Signs - Except in districts where signs are allowed, one illuminated sign, not to exceed 100 square feet in area and not to exceed 10 feet in height may be erected at each major entrance.
- B. Fences – A continuous fence, with a minimum height of 6 feet, shall be erected around the premises with openings only for ingress and egress into a public way.
- C. All buildings and structures shall be located at least 50 feet from any property line.

#### **4.2.7 Animal Race Tracks**

Animal Race Tracks may be allowed in the R-1, C-2, and C-M Districts upon the granting of a Conditional Use Permit and compliance with the listed requirements:

- A. Setbacks - All buildings, structures, facilities, or storage areas shall be at least 100 feet from any property lines.

- B. Except in districts where signs are allowed, one sign, not to exceed 100 square feet in area and not to exceed 10 feet in height, may be located at each of the major entrances.
- C. Animal race tracks located within one-half mile of residentially used or zoned property shall provide information on sound levels resulting from loudspeakers and hours of operation. The Board may establish conditions necessary to protect nearby residents.

#### 4.2.8 Athletic Facilities

Indoor and outdoor athletic facilities, including sports fields, basketball and tennis courts, and related facilities such as equipment storage facilities, spectator seating, refreshment stands, restrooms, locker rooms and parking except for paint ball ranges are permitted in the M-1, M-2, and M-3 districts provided that the following standards are met:

- A. The athletic facilities are located in a suburban form district; and
- B. Pedestrian and vehicular circulation patterns, including location of parking lots and driveways, must be designed to safely accommodate recreational users and avoid conflict with truck traffic, as determined by the Director of Works ; and
- C. If recreational uses are located within 500 feet of residential use or zone, the applicant shall submit a lighting plan documenting compliance with Section 4.1.3 (Lighting ordinance); and
- D. Athletic facilities in the M-1, M-2 and M-3 districts subject to special standards may serve three purposes:
  - 1. To allow a transitional use of industrially zoned land, while preserving the community's supply of industrially zoned property until such time as market demand justifies use of such property in a manner that will significantly meet the community's economic development needs; or
  - 2. To allow use of parcels for permanent open space or recreational purposes serving employees of an industrial development; or
  - 3. To accommodate greenways or similar open space use of environmentally constrained land, with or without trail systems or other recreational facilities.

Thus, athletic facilities are permitted only when the applicant indicates which of the three purposes the proposed use will meet, and can demonstrate the following to the satisfaction of the Board of Zoning Adjustment or the Board's designee:

If Transitional Use: The proposed athletic facilities do not entail construction of permanent facilities that are inconsistent with industrial use of the site.

If Permanent Open Space/Recreation Use: The site is an integral component of a multi-lot business or industrial park, and the recreation facilities primarily benefit persons working at the industrial park.

If Greenway or Environmentally Constrained: The site is subject to environmental constraints regulated in Chapter 4 Parts 6, 7, or 8, and is precluded from development by conservation easement or restriction on the development plan.

#### 4.2.9 Bed and Breakfast Inns

Bed and Breakfast Inns may be allowed in the R-R, R-1, R-2, R-3, R-4, R-5, U-N, TNZD (in effect within Louisville Metro only), R-5A, R-5B, and R-6 Districts upon the granting of a Conditional Use Permit and compliance with the listed requirements.

- A. Number of guest rooms permitted:
  - 1. R-R, R-1, R-2, R-3, R-4, R-5, U-N, R-5A, and R-5B – limited to 4.
  - 2. All other districts where permitted – maximum of 8.
- B. Guests are limited to a length of stay no more than 7 consecutive days. The resident owner shall keep a current guest register including names, permanent addresses, dates of occupancy, and motor vehicle license number of all guests.
- C. Bed and Breakfasts may provide food service or space for gatherings such as meetings, receptions, or other social events only to overnight guests. No food preparation will be allowed in any guest bedroom.
- D. Any signage which identifies the use shall be in accordance with the underlying zoning and form district standards.
- E. The location of parking shall comply with the same parking standards as a single family detached dwelling unit, except any additional parking beyond what can be accommodated in a driveway no wider than to sufficiently park two (2) cars must be out of the required setback and yards as specified in the underlying Form District requirements. Parking for guests shall not be served by a separate driveway from that serving the principal residential structure.

**NOTE:** Owners are required to reside in the primary structure on the premises; see Definitions (Chapter 1 Part 2).

#### 4.2.10 Boarding Homes

Boarding Homes may be allowed in the R-R, R-E, R-1, R-2, R-3, R-4, R-5, and R-6 districts upon the granting of a Conditional Use Permit and compliance with the following requirements.



- A. Boarding Homes located in R-E, R-R, R-1, R-2, R-3, R-4 and R-5 single-family districts shall have a maximum of 3 boarders in addition to resident family members of the boarding house keeper. Those Boarding Homes located in other districts shall have a maximum of 8 boarders.
- B. All boarding homes shall comply with the administrative and maintenance requirements established in 902 KAR 20:350.
- C. Boarding Homes shall not have any signage which identifies the use.

**4.2.11****Camping Areas and Recreational Vehicles Parks, Public and Private**

Camping Areas and Recreational Vehicles Parks, Public and Private may be allowed in any district upon the granting of a Conditional Use Permit and compliance with the following requirements:

- A. Buffer Strips - An open space buffer strip shall be maintained along all property lines in which campfires, or any other camping appurtenances shall not be located. The open space buffer strip shall be a minimum of 10 feet along any side or rear property line and a minimum of 30 feet along any front or street side property line.
- B. Signs - Except in districts where signs are allowed, there shall be no more than one non-illuminated sign not to exceed 30 square feet in area, with a maximum height of 10 feet, located at the major entrances.
- C. Traffic Impacts - Facilities shall be located and designed so that no entrance or exit shall require movement of traffic to or from the camping area or park through a recorded single-family subdivision.
- D. Limits on Periods of Use - No property, camp, or individual camp site shall be sold or leased for a longer period than one month, that does not conform to the minimum lot area established for the district in which it is located or to a minimum lot area of 6,000 square feet for a district having no minimum lot area.
- E. Trash and Garbage Collection - The RV Park or Camping Area Management shall be responsible for internal trash and garbage collection. Central trash collection points shall be completely screened from view from outside the park.
- F. Health and Safety - Parking pads for recreational vehicles and individual camp sites shall not be exposed to conditions that create hazards to the property or the health or safety of the occupants. No portion of the park or camping area subject to flooding or subsidence shall be used for any purpose which would expose persons or property to hazards.
- G. Vehicular Use Areas - Vehicular use areas shall be paved and shall be clearly marked as to internal circulation and direction of travel. Pavement widths for travel lanes shall be as follows:

1. One-way Travel Lane - 18 Feet
2. Two-way Travel Lane - 24 Feet
3. Cul-de-sac Diameter - 80 Feet

#### **4.2.12 Cemeteries, Mausoleums, and Crematories**

Cemeteries, Mausoleums, and Crematories may be allowed in any district upon the granting of a Conditional Use Permit and compliance with the following requirements:

- A. Fences - A fence, with a minimum height of 6 feet, shall be erected around the premises with openings only for ingress and egress to a public way.
- B. Required Yards - No required yard shall be occupied by graves. There shall be a 30 foot landscaped or open space buffer between the property line and any building, structure, or gravesite. No gravesites shall be placed closer than 30 feet from any property line and at least 30 feet from the right-of-way line for existing and planned public streets. This shall not apply to roads designed for internal circulation within the cemetery, mausoleum or crematory property.
- C. All roads used solely for internal circulation shall have a minimum pavement width of 16 feet and a minimum shoulder width of 6 feet on each side of the pavement. Roads providing access to chapels or offices shall have minimum pavement width of 18 feet.

#### **4.2.13 Commercial Animal Feeding Yards (including hogs, chickens, and other animals as determined by the Board of Zoning Adjustment)**

Commercial Animal Feeding Yards may be allowed in M-2 and M-3 Zoning Districts upon the granting of a Conditional Use Permit and compliance with the listed requirements.

- A. All buildings, structures, pens, and yards shall be at least 100 feet from all property lines.
- B. Adequate water supply shall be available to maintain the premises in a sanitary condition.
- C. The applicant shall demonstrate adequate provisions to prevent surface water quality impacts due to animal wastes.

#### **4.2.14 Commercial Communication Towers (including radio and television towers)**

Commercial Communication Towers may be allowed in any district upon the granting of a Conditional Use Permit and compliance with the listed requirements.

- A. All buildings and structures shall be at least 30 feet from any property line.
- B. The property shall be landscaped to blend with the character of the area.
- C. No signs except those signs showing the address and/or emergency contact information shall be allowed on the property.
- D. When a tower is higher than the distance from its base to the nearest property line, there shall be a certification from a registered engineer that the tower will withstand winds of 100 miles per hour.
- E. Strobe lights are prohibited unless they are the only marking technique that satisfies federal regulations.

#### **4.2.15 Commercial Greenhouses/Plant Nurseries**

Commercial Greenhouses/Plant Nurseries may be allowed in the R-R, R-1, R-2, R-3, R-4, R-5, R-5A, R-5B, R-6, R-7, R-8A, OR-1, OR-2, OR-3 and OTF Districts upon the granting of a Conditional Use Permit and compliance with the listed requirements.

- A. Buffers and Screening - Greenhouses and other structures shall be buffered and screened in accordance with standards for commercial uses in Chapter 10, Landscaping, Screening, and Open Space. Parking lots shall be screened from adjacent properties in accordance with the provisions of the Development Code.
- B. Setbacks – All buildings and structures shall be at least 50 feet from the front property line and a minimum of 20 feet from any other property line.
- C. Freestanding Signs - Only one freestanding sign shall be permitted. The freestanding sign shall not exceed 32 square feet in area per side and shall not exceed a height of 6 feet. The maximum height shall include any berm, landscape mound, or other manmade alteration above the surrounding ground level.
- D. Attached Signs – Only one attached sign shall be permitted. The one attached sign permitted shall be attached to the primary building only and no attached sign shall be permitted on any other buildings on the site. The attached sign shall not exceed 20 square feet in area, shall be attached flat to the face of the building, and shall not project more than 18 inches from the face of the building.

- E. Outdoor Display and Storage - No plant material offered for sale shall be permitted in any required front, street side or side yard.
- F. Sale of other plant or landscape-related materials, including but not limited to fertilizer, mulch, flower pots, and landscape timbers, is permissible only if sale of such items is clearly accessory to the growing and sale of plant material.

#### **4.2.16 Commercial Kennels**

Commercial Kennels may be located in the R-R, R-E, R-1, R-2, R-3, R-4, R-5, C-1, C-2, C-M, M-1, M-2, and M-3 Zoning Districts where such use is compatible with surrounding land uses upon the granting of a Conditional Use Permit when developed in compliance with the listed requirements.

- A. Facilities Enclosed - All facilities, except parking, shall be within a totally enclosed building except where it can be demonstrated that a nuisance is not created thereby.
- B. Signs - Except in districts where signs are allowed, there shall be no more than one non-illuminated sign not to exceed 12 square feet in area and not to exceed 6 feet in height.
- C. Fences - A continuous fence at least 6 feet high shall be erected around the portion of the site used for the kennel operation.
- D. Screening – Any outdoor animal facilities shall be screened from view.
- E. Noise - The design of the structures shall include features that acoustically shield any animal noises from surrounding property.
- F. The applicant shall demonstrate adequate provisions to prevent surface water quality impacts due to animal wastes.

#### **4.2.17 Commercial Lakes**

Commercial Lakes may be allowed in any district upon the granting of a Conditional Use Permit and compliance with the following requirements:

- A. All buildings and structures shall be at least 30 feet from any property line.
- B. Signs - Except in districts where signs are allowed there shall be no more than one non-illuminated sign not to exceed 12 square feet in area, nor exceed a maximum height of 6 feet, at the major entrances.
- C. Construction Standards - The construction of the lake shall conform to the requirements as set forth under excavation and filling operations.
- D. Off-street parking spaces shall be provided in the ratio of one space for every 100 feet of lakeshore, with a minimum of 10 spaces.

**4.2.18 Day Care Facilities (providing care for more than 6 children)**

Day Care Facilities may be allowed in the R-R, R-E, R-1, R-2, R-3, R-4, R-5, U-N, R-5A, R-5B, R-6, and R-7 districts upon the granting of a Conditional Use Permit and in compliance with the listed requirements.

- A. Signs - There shall be allowed one non-illuminated sign identifying the name and use, which sign shall be limited in size to four square feet and be placed on the building.
- B. Residential Structure - The structure shall remain or shall be constructed so that the exterior design and ornamentation is residential in character and compatible with the immediate neighborhood, so that there is no evidence from the street that the use is other than residential (except for the sign).
- C. Alterations or Improvements to the Structure - Where such a use is permitted in a structure which has been used as a residence, the permittee shall make no substantial alterations or improvements to the structure which would impair the structure's use as a residence at a later time.
- D. On-Site Drop-off and Pick-up Area - An on-site area shall be provided where passengers from automobiles may safely exit the automobile and enter the building and vice versa. The design of this area must be approved by the appropriate agency responsible for traffic engineering.
- E. Parking Spaces - The appropriate number of parking spaces shall be provided for members of the day care center staff. The number of parking spaces required pursuant to this section shall be determined by the Board of Zoning Adjustment, and may thereafter be modified by the Board of Zoning Adjustment by petition from the owner of the premises granted a Conditional Use Permit or upon recommendation from the zoning inspector or other authorized personnel after an annual inspection of the premises or other such inspection. The parking layout must be approved by the appropriate agency responsible for traffic engineering.
- F. Drainage Control - The development plan shall have the approval of the appropriate agency responsible for surface drainage control.
- G. All buildings and structures shall conform to the requirements of the zoning and form district in which they are located.
- H. Fence - A fence with a minimum height of 4 feet shall be erected around the outdoor play area.

**4.2.19 Doctor, Dentist or Chiropractor Office**

One office for one medical doctor, dentist or chiropractor may be allowed on a lot in the R-4, R-5, R-5A, R-5B, R-6, and R-7 districts where the premises abuts a major or minor arterial designated in the Comprehensive Plan for all of Jefferson County, Kentucky, upon the granting of a Conditional Use Permit and compliance with the listed requirements

- A. Floor Area - The maximum floor area for the office use is 800 square feet.
- B. Parking Areas - parking spaces shall be provided off of the street in an area to the rear of the premises, so that the off-street parking area shall not be between a street and the building. Said parking area must be paved by asphalt or concrete and shall be screened by a dense evergreen shrub screen with a minimum height of five feet, or a wall constructed of brick, stone or wood with a minimum height of five feet.
- C. Signs - There shall be allowed one non-illuminated identification sign indicating the name and occupation, which sign shall be limited in size to four square feet and placed on the building.
- D. Exterior Design - The building shall remain or shall be constructed so that the exterior design and ornamentation is of residential character in keeping with the immediate neighborhood, so that there is no evidence from the street that the use is other than residential (except for the sign).

**4.2.20 Drive-In Theaters**

Drive-In Theaters may be allowed in the R-R, R-1, C-2, and C-M Districts upon the granting of a conditional use permit and compliance with the listed requirements.

- A. Approval of plan of access to the highway from the agency responsible for maintenance of such highway shall be obtained.
- B. There shall be no direct access to a major or minor arterial as designated in the Comprehensive Plan for all of Jefferson County, Kentucky, where there is a possibility of access to a lesser road.
- C. All buildings and structures except fencing shall be at least 100 feet from any property line.
- D. Provisions shall be made for temporary stoppage of vehicles on the premises of at least 30 percent of the capacity of the theater, to prevent traffic congestion on adjacent public ways.
- E. The picture screen shall not face or be placed to be viewed from any major or minor arterial as designated in the Comprehensive Plan for all of Jefferson County, Kentucky, and shall be screened from view by trees or fences from any adjacent road.

- F. Drive-in Theaters located within one-half mile of residentially used or zoned property shall provide information on sound levels resulting from loudspeakers and hours of operation. The Board may establish conditions necessary to protect nearby residents.
- G. The entrances and exits shall be located so as to afford unobstructed sight distance for 300 feet in each direction along the highway.
- H. Except in districts where signs are allowed, no sign shall exceed one square foot in area for each foot of frontage on the highway, but in no case shall exceed 200 square feet in area and no sign shall exceed 10 feet in height. In no case shall signs which face a residential district be of the flashing type.

#### **4.2.21 Earth Excavation, Filling, and Refuse Disposal Operations, Major**

Excavation, Filling, and Refuse Disposal Operations, Major may be allowed in R-R, R-1, M-2 and M-3 Districts upon the granting of a Conditional Use Permit and compliance with the listed requirements.

- A. Defined - Any operation which involves a change in the existing ground surface, except (1) grading and shaping of land around a building or structure and except (2) minor earth excavations not constituting a quarry, borrow pit, or commercial operation and/or filling of land with non-combustible, inorganic materials (See Section 04-02-21) shall be subject to the following regulations. Such uses include but are not limited to the following:
  - 1. Extraction and development of earth products, mineral and other natural resources, including sand, gravel pits, quarries, and borrow pits.
  - 2. Landfills for non-combustible materials.
  - 3. Incinerators, public/private.
  - 4. Any other landfills (except for hazardous material).
  - 5. Commercial composting.
- B. Other Standards - The proposed operation shall meet all requirements of the adopted Environmental Performance Standards.
- C. Neighborhood Protection - The operation shall be conducted in such a manner as to offer protection to the neighborhood against possible detrimental effects, taking into consideration the physical relationship to surrounding properties and access to the site including any nearby local (residential) streets
- D. Information to be Filed:

1. Drawings - A plan drawn at a scale of not less than 100 feet to the inch showing the following:
  - a. Boundaries - The exact boundaries of the site and access to public ways.
  - b. Use of Land - Present and proposed use of land, the arrangement, fully dimensioned, of all existing and proposed buildings, structures, roads, drives, parking areas, loading spaces, water, sewer, power, and other utility lines, sanitary facilities, surface drainage, landscaping, fencing, and all other features and facilities to be installed or used in connection with the proposed operation.
  - c. Contours - Show by contours of not less than 2 foot intervals (except on extremely steep slopes):
    - i. The present surface of the site and the surrounding properties within 50 feet from its boundaries by the use of dashed contours.
    - ii. The ultimate depth elevations of the area to be excavated or filled by the use of dot and dash contours.
    - iii. The ultimate finished surface of the site after all excavation and filling operations are completed by the use of solid line contours.
    - iv. If the ultimate finished surface elevation is exactly the same as the ultimate depth elevation, solid line contours alone may be used, but must be so labeled in the plan legend.
  - d. Excavation Methods - Cross sections at critical points to illustrate the methods to be employed in the process of excavation and fill.
  - e. Sequence of Operations - Locations where excavation and filling operations will commence and the procedural sequence of operations.
  - f. Surface Drainage - Methods to be employed for the management of quantity and quality of surface drainage during and after completion of operations.
  - g. Volumes - The volumes of materials to be excavated and filled for each location on the site where operations are to take place.
  - h. Off-Site Improvements - Improvements such as new roads and pavement to be installed off the site to enable the operation to be carried out.



- i. Adjoining Property Owners - The plan shall show the names and addresses of the owners of the site and all adjoining properties, the name and address of the engineer who prepared the plan, scale, northpoint, the geographical relationship of the site to existing public ways and major or minor arterials as designated in the Comprehensive Plan for all of Jefferson County, Kentucky.

E. General Standards:

1. No excavation nor filling shall be made within 50 feet of any boundary of the site.
2. Side slopes of excavation and fills in earth, sand or gravel shall not exceed one foot vertical to two feet horizontal and shall be blended into undisturbed existing surfaces.
3. A continuous fence a minimum of 6 feet high shall be placed along the boundaries of excavated areas and provided with gates of the same construction as the fence which shall remain locked at all times when active operations are not taking place and shall be properly maintained until all operations are completed.
4. Additional landscaping is required in the buffer areas between excavation and fill areas and buildings and structures.
5. Provisions shall be made for the disposal of surface water falling on or crossing the site at all times during and after completion of the operations. The operations shall not obstruct the normal flow of any public drain, or abrogate the riparian rights of any other party to a stream or drain. No operation shall begin until construction approval has been approved from the agency responsible for surface water drainage.
6. The depth of excavation and the materials to be used for fill shall not have any adverse effect on the supply, quality, or purity of ground water or wells. In no case shall an excavation be carried to a depth below an elevation of 410 feet above mean sea level.
7. A layer of clean earth at least two feet thick shall be deposited and thoroughly compacted over all fill to bring the surface to the finished surface grade as shown on the topographic plan filed with the application.
8. The finished surface of the site shall bear the proper relationship to that of adjoining properties.
9. The installation of roads, parking areas, buildings, structures, and operational facilities and equipment shall be located on the site so that adjoining properties will not be adversely affected.

10. Excavation and fill materials shall be moved off and onto the site in vehicles approved by the appropriate Director of Works.
11. All filling operations and final approval shall be in strict conformity with the regulations of the Louisville and Jefferson County Board of Health; Air Pollution Control District; Kentucky Department for Environmental Protection and the appropriate Director of Works. Letters or Certificates of Approval of the plans by the above agencies indicating prior review shall be filed prior to the issuance of any Conditional Use Permit. Uses shall not begin until final approval has been obtained and filed in the Board of Zoning Adjustment docket file.
12. The operation shall be conducted so as not to create a nuisance or cause undue noise, vibration, dust, odor, or light to adjacent properties. The premises shall be kept in a neat and clean condition at all times. No loose paper or debris shall be allowed on the site except on areas where active filling operations are taking place. Dusty conditions shall be corrected by sprinkling with water or by the use of calcium chloride or other method that meets current state standards. No fires shall be permitted. Any smoldering flame or spontaneous combustion shall be immediately extinguished.
13. In no event will the premises be used for salvage operations of any kind. No separation or picking of waste materials will be permitted. All unacceptable fill materials as noted elsewhere in this section shall be removed from the premises immediately after delivery.
14. Except for protective fences, no building or structure erected in connection with the operation shall be located in any required yard or closer than 30 feet from any property line.
15. A specific written or site plan for vehicle cleaning facilities to prevent the tracking of mud, dirt or other debris onto any public roadway shall be reviewed and approved by the appropriate Director of Works before public hearing.
16. No materials defined as hazardous by these regulations, by the Kentucky Cabinet for Natural Resources and Environmental Protection or Federal Environmental Protection Agency will be allowed as fill.

F. Standards for Specific Operations:

1. In addition to the general standards listed above, the following additional standards shall apply to:
  - a. Land-fills for non-combustible material:

- i. Fill material shall be limited to inorganic materials and other substances not subject to decomposition, combustion, or the production of odors.
  - ii. Materials shall be spread and thoroughly compacted as they are deposited.
- b. Incinerators, public and private:
  - i. No incinerator building or structure shall be located closer than 200 feet from any site boundary line, and no other building or structure used in connection with the operation shall be located closer than 30 feet from any site boundary line.
  - ii. The entire site shall be enclosed with fencing and gates as required by this Section.
  - iii. All materials delivered to the site which are organic or of organic origin or other combustible materials such as paper, cardboard, rubber, plastic, wood fiber, sawdust, floor sweepings, plaster board, framing, lumber, laths, tree stumps, trunks, branches, foliage, furniture, rags, garbage, and industrial wastes and including metal and glass containers shall be burned in the incinerator.
  - iv. All residue resulting from the burning operations and other fill materials which are inorganic or substances which are not subject to decomposition, combustion, or the production of odors shall be disposed of properly.
  - v. All materials which are to be burned shall be placed on or in a concrete slab or hopper enclosed by a building, masonry walls, or chain link type fencing at least 6 feet high provided with doors or gates which shall be securely locked when the incinerator is not in operation. The materials shall be transferred from the slab or hopper into the incinerator and shall be burned as soon as practicable. The slab or hopper shall be kept clear of all materials when not in active use.
  - vi. There shall be no separation or picking of materials or storage for salvage thereof on the site (scavenging).
  - vii. All deliveries of materials to the site, shall be done between the hours of 7:00 A.M. and 6:00 P.M. on weekdays only, except otherwise necessitated by extraordinary circumstances.
  - viii. A watchman shall be stationed at the site at all times for whom a suitable shelter or living quarters shall be provided.

- ix. Sanitary toilet facilities shall be provided on the site in accordance with the requirements of the Department of Health.
- c. Any other land fills (except hazardous materials):
  - i. No building or structure, except fencing, used in connection with the operation shall be located closer than 30 feet to any site boundary line.
  - ii. All plans shall show all pipelines used for gas collection, migration, etc. as well as the location of vents, flares, etc.
  - iii. The entire site shall be enclosed with fencing and gates as required by this Section.
  - iv. All materials delivered to the site which are organic in origin and all paper, cardboard, plastic, metal and glass containers, wood fiber, sawdust, floor sweepings, plaster board, framing lumber, laths, tree stumps, trunks, branches, foliage, furniture, rags, garbage, and industrial wastes shall be deposited and thoroughly compacted in layers not to exceed two feet in depth. Rubber tires, dead animals, and by-product wastes of a gaseous, liquid, or semi-liquid nature such as tar, paints, solvents, sludge, rubber, and plastics and other flame or fume producers may be permitted as fill material after the Kentucky Natural Resources and Environmental Protection Cabinet issues permission, unless specifically prohibited by the Board of Zoning Adjustment. Each day's deposit, after compaction, shall be covered with a layer of earth at least 6 inches in thickness after compaction. The face of the fill as well as the horizontal surface shall be covered with a layer of earth to prevent any movement of fill by wind or water erosion. Alternative methods may be allowed if approved by the Kentucky Natural Resources and Environmental Protection Cabinet and the Board.
  - v. There shall be no separation or picking of materials or storage for the salvage thereof (scavenging) on the site. All unacceptable fill materials as noted above shall be removed from the premises immediately after delivery.
  - vi. Water lines shall be installed, connected to a public water supply, or to some other source, which by use of pumps will provide water in sufficient quantity to combat fires or settle dust.
  - vii. Sanitary toilet facilities shall be installed in accordance with the requirements of the Department of Health.

- viii. No fires shall be permitted. Any smoldering flame or spontaneous combustion in the fill shall be immediately extinguished.
  - ix. A watchman shall be stationed at the site at all times for whom a suitable shelter or living quarters and sanitary facilities shall be provided on the site.
  - x. The premises shall be kept neat and clean at all times, no loose paper or debris shall be allowed on the site except on areas where active filling operations are taking place. Dusty conditions shall be corrected by sprinkling with water or by the use of calcium chloride or some other method that meets current state standards.
  - xi. All deliveries of materials to the site, filling, spreading, compacting, and grading shall be done between the hours of 7:00 A.M. and 6:00 P.M. on weekdays only.
  - xii. Filling operations shall begin immediately upon the issuance of a permit. All areas shall be refilled to finish grades as shown on the topographic map filed with the application within a period of five years after commencement of operations. The Board may extend such time limit after a public hearing, but in any event all excavations on the site shall be refilled to finish grade within 10 years after commencement of operations.
  - xiii. No filling activities shall occur within 200 feet of a residential structure existing at the time of issuance of the Conditional Use Permit.
- d. Borrow pits and Earth Excavations:
- i. No building or structure, except fencing, used in connection with the operation shall be located closer than 30 feet from any site boundary line.
  - ii. Areas where excavations have been made and are taking place shall be enclosed with fencing as required above.
  - iii. Sanitary toilet facilities shall be installed in accordance with the requirements of the Department of Health.
  - iv. A watchman shall be stationed at the site at all times when active operations are taking place for whom a suitable shelter or living quarters and sanitary facilities shall be provided on the site.

- v. No excavation, screening, stockpiling, filling or hauling shall be done except between the hours of 7:00 A.M. and 6:00 P.M. on weekdays.
- vi. Re-filling operations as required shall begin immediately on areas when excavations have been made to the ultimate depth and such areas shall be refilled to finish grade as shown on the topographic map filed with the application within a period of five years after commencement of excavation operations. The Board may extend such time limit after a hearing, but in any event all excavations on the site shall be refilled to finish grade within 10 years after commencement of operations.

G. Guarantee:

To insure the strict compliance with all of the above conditions and requirements, the applicant shall deposit with the Board cash or a certified check, or execute a bond with a corporate surety authorized to do a surety business in Kentucky. The amount of cash, certified check, or bond shall be fixed at the rates as listed below for each acre, or portion thereof, of the site where the excavation or filling operation is located.

1. Extraction and development of earth products, minerals, and other natural resources - \$2,000.00 per acre
2. Borrow pits and earth excavations - \$2,000.00 per acre
3. Landfills for non-combustible materials - \$2,000.00 per acre
4. Incinerators, public and private - \$25,000.00 per incinerating unit
5. Lakes and lagoons - \$2,000.00 per acre
6. Contained landfills - \$5,000.00 per acre
7. Commercial composting - \$5,000.00 per acre

If there is a combination of any of the above operations, the larger amount shall apply.

**4.2.22 Earth Excavations/Fill, Minor**

Earth Excavations/Fill, Minor not constituting a quarry, borrow pit or commercial operation and/or filling of land with non-combustible inorganic materials are allowed in any district upon the granting of a Conditional Use Permit and compliance with the listed requirements.

- A. A plan for minor excavations and/or filling must receive approval from the Metropolitan Sewer District, and the director of the Planning Commission with review and comment by the Soil Conservation Service.

- B. No excavation shall be below the normal water table, nor shall such operation have an adverse effect on the supply, quality, or purity of ground water or wells.
- C. The finished surface of the site shall bear the proper relationship to that of adjoining properties.
- D. Excavation and fill materials shall be moved off and on the site in vehicles approved by the City of Louisville and Jefferson County.
- E. The operation shall be conducted so as not to create a nuisance or cause undue noise, vibration, dust, odor, or candescence to adjacent properties. The premises shall be kept in a neat and clean condition at all times. No loose paper or debris shall be allowed on the site except on areas where active filling operations are taking place. Dusty conditions shall be corrected by sprinkling with water or by the use of calcium chloride or some other approved method. No fires shall be permitted. Any smoldering flame or spontaneous combustion shall be immediately extinguished.
- F. In no event will the premises be used for salvage operations of any kind. No separation or picking of waste materials will be permitted. All unacceptable fill materials as noted elsewhere in this section shall be removed from the premises immediately after delivery.
- G. No building or structure shall be erected in connection with the operation.
- H. Fill material shall be limited to nonpolluting, inorganic, non-combustible materials and soil. Rubber tires, dead animals, and by-product wastes of a gaseous liquid, or semi-liquid nature such as tar, paints, solvents, sludge, rubber, and plastics and other flame or fume producers shall not be permitted as fill material.
- I. Any of the requirements of **Section 4.2.21** of this section which the Board finds to be appropriate or necessary may be applied to the operation.
- J. Time limits and stabilization measures on completion shall be specified.

#### **4.2.23 Electric Power or Steam Generating Plants**

Electric Power or Steam Generating Plants may be allowed in the M-3 and EZ-1 districts upon granting of a Conditional Use Permit and compliance with the following regulations:

- A. When applicable, the applicant shall provide documentation from the Kentucky State Board on Electric Generation and Transmission Siting that a complete application required to obtain a construction certificate to construct a merchant electric generating facility has been submitted. Relevant portions of the application shall be submitted for the Board's consideration, as requested by staff.

- B. All structures housing generating equipment and outdoor storage facilities shall be set back at least 1,000 feet from the property line when adjacent to any non-industrial use or zoning district. Offices and employee parking areas are required to be located at least 30 feet from any property line.
- C. Facilities adjacent to property used or zoned for residential purposes shall provide a landscape buffer 60 feet wide and planted with three staggered rows of trees, half evergreen and half deciduous, with trees in each row no more than 20 feet apart.
- D. All facilities shall be enclosed within a continuous fence with a minimum height of 8 feet.
- E. The applicant shall submit to the Board of Zoning Adjustment a copy of any applicable requirements or permits approved by the Air Pollution Control District.
- F. Merchant Power Plants must comply with all the applicable regulations in KRS Chapter 278.

### **4.2.24 Extraction and Development of Oil, Gas, and other Hydrocarbon Substances**

Extraction and Development of Oil, Gas, and other Hydrocarbon Substances may be allowed in any district (unless otherwise restricted) upon the granting of a Conditional Use Permit and compliance with the following requirements:

- A. Location of Bore Holes - No oil or gas bore hole shall be drilled within 300 feet of a state highway or county road or within 150 feet of any other public way. No building or structure, except fencing, shall be located closer than 30 feet from any site boundary line.
- B. Limit on Wells - No more than one well shall be permitted for each 5 acres of land.
- C. Removal of Drilling Equipment - Within 90 days after the drilling of each well has been completed and production started, the derrick and all other drilling equipment shall be removed from the site.
- D. Portable Derricks - Any derrick erected for servicing operations shall be of a portable type.
- E. Storage of petroleum or its By-products - After a well has been brought into production, no earthen sumps shall be used for the storage of petroleum or its by-products.
- F. Fire Protection - Fire fighting equipment, as required and approved by the fire department concerned, shall be maintained on the premises at all times during drilling and production operation.



- G. Landscape Restoration - Any areas of site disturbance resulting from construction operations shall be landscaped or replanted to native plant materials.
- H. Refining of Petroleum Products - No plant for the refining of petroleum products from such operation shall be permitted on the site.
- I. Signs - One sign, not to exceed 12 square feet in area and not to exceed 6 feet in height, may be erected at each of the major entrances to the site, except in districts where signs are allowed.
- J. Operations - All drilling and production operations shall be conducted in such a manner as to eliminate, as far as practicable, dust, noise, vibration, and obnoxious odors, in accordance with the best accepted practices incident to drilling for, and production of, oil, gas, and other hydrocarbon substances.
- K. Removal of Facilities and Equipment - In the event oil or gas is not produced in paying quantities all material, equipment, and structures used in the drilling operations shall be completely removed from the site, and the well properly abandoned within one hundred twenty days after drilling operations cease.
- L. Abandonment of Wells - Upon completion of drilling, redrilling, or conditioning operations, and on abandonment of the well, all earthen sumps shall be drained and backfilled to the natural grade. Subject to the above conditions, a new sump may be constructed upon resumption of conditioning or redrilling operations.
- M. Deposit - The applicant shall deposit cash, certified check, or bond with surety made in favor of the Louisville and Jefferson County Board of Zoning Adjustment to insure proper compliance with these regulations before drilling operations are commenced.

### 4.2.25 Funeral Homes

Funeral Homes may be allowed in the R-7, OR-1, OR-2, OR-3, OTF, and C-R Districts upon the granting of a Conditional Use Permit and compliance with the listed requirements:

- A. Funeral homes shall abut on a major or minor arterial as designated in the Comprehensive Plan for all of Jefferson County, Kentucky.
- B. Signs - One non-flashing identification sign, not to exceed 15 square feet in area and not to exceed 10 feet in height, may be allowed, provided such sign is not in or over a required yard.
- C. The main building shall be located at least 30 feet from any property line.

**4.2.26 Golf Driving Ranges, Miniature Golf Courses, and Privately Owned Golf Courses Operated for a Commercial Purpose**

Golf Driving Ranges, Miniature Golf Courses, and Privately Owned Golf Courses Operated for a Commercial Purpose may be allowed in the R-R, R-1, C-2, and C-M Districts upon the granting of a Conditional Use Permit and compliance with the listed requirements.

- A. All buildings and structures shall be at least 30 feet from any property line.
- B. Protection of Adjacent Properties - Fences, plantings, or sufficient area shall be provided to insure the safety and protection of persons on all adjacent land. Any netting used for the protection of adjacent properties shall observe yard and height requirements of the district in which it is located.
- C. Signs - Except in districts where signs are allowed, one non-flashing sign, not to exceed 60 square feet in area and not to exceed 10 feet in height, may be provided at the major entrance.
- D. Driving Directions - All driving directions shall be away from any street, highway or residential area.

**4.2.27 Home Occupations**

Home Occupations seeking to have additional nonresident employees (beyond the extent of what is allowed in [Section 4.4.5](#)) may be allowed in any residential zoning district upon granting of a Conditional Use Permit and compliance with the listed requirements:

- A. The additional nonresident employee(s) will not cause the home occupation to be a nuisance to adjacent or nearby residences or a detriment to the residential character of the neighborhood.
- B. The applicant should demonstrate that the additional parking needed to accommodate the additional nonresident employee(s) can be provided on an existing driveway in a manner that is similar to adjacent or nearby residences or on-street in accordance with the provisions of [Chapter 4 Part 4](#) of the Land Development Code.
- C. The home occupation will continue to meet all other applicable requirements of [Chapter 4 Part 4](#) of the Land Development Code.

**4.2.28 Hospitals, Clinics, and Other Medical Facilities**

Facilities requiring a Certificate of Need issued by the Commonwealth of Kentucky, including hospitals, clinics, and other medical facilities, may be allowed in any district upon the granting of a Conditional Use Permit and compliance with the listed requirements:

- A. Signs - One freestanding sign, not to exceed 80 square feet in area or 10 feet in height, may be placed at each of the major entrances, except in districts where signs are allowed. Attached signs may be located at any height. The Board shall determine the size of all attached signs.
- B. All buildings and structures shall be at least 30 feet from any property line.

### 4.2.29 Institutional Uses in Excess of Required Maximum Building Footprint (as established within the Village and Neighborhood Form Districts)

All applicable Land Development Code standards shall be provided as well as the following additional standards:

- A. All structures and off-street parking shall be at least 30 feet from any perimeter property line adjacent to a residential use or zone.
- B. The design of any structure shall incorporate a variety of architectural elements that help diminish building bulk.
- C. A traffic study shall be provided for developments of more than 75,000 square feet of new building footprint construction or an increase in building footprint area by more than 50%, whichever is greater.

### 4.2.30 Rehabilitation Home

Rehabilitation homes may be allowed in any district upon the granting of a Conditional Use Permit and compliance with the listed requirements.

- A. If using an existing residential building constructed contemporaneously with the surrounding neighborhood, its exterior appearance shall not be substantially altered.
- B. New construction within an area having an established front building setback shall be constructed at the average setback line or the minimum front yard of the form district, whichever is less. Structures adjacent to residential uses or zoning districts shall increase side yards by 10 feet for each story over two.
- C. One parking space on site shall be provided for each staff person, plus two spaces for each five residents, or five clients served by the rehabilitation home. Parking shall be reduced to one space per five residents/clients if the rehabilitation home serves persons with disabilities that preclude operation of an automobile.
- D. One freestanding sign not to exceed 10 square feet and 4 feet in height shall be allowed.
- E. The Board shall add any additional restrictions necessary to mitigate nuisances or adverse effects.

### 4.2.31 Mobile Homes and Manufactured Housing Sales, Display or Storage

The retail sale, display, or storage of more than one mobile or manufactured home may be allowed only in the C-2, C-3, C-M, and EZ-1 Districts upon the granting of a Conditional Use Permit and compliance with the listed requirements.

- A. All buildings and structures, including the mobile homes, shall observe the yard requirements of the District.
- B. The portion of the tract subject to the sale and display shall be paved with a hard and durable surface approved by the Director of Works. The Director of Works shall review and make recommendations on applicant's plans for entrance to streets.
- C. Screening shall be provided in accordance with **Chapter 10** Landscaping, Screening and Open Space.

#### 4.2.32 Marinas and Boat Rental Facilities

Marinas and Boat Rental Facilities may be allowed in any district upon the granting of a Conditional Use Permit and compliance with the following requirements:

- A. The applicant shall have an approved permit required by Section 404 of the Clean Water Act before a public hearing date is set for review of the facility plan.
- B. No off-street parking space shall be used for the storage of a boat trailer. All boat trailer storage areas shall be designated and have adequate access and egress facilities.
- C. Construction Operations - The construction of any harbor, lake, or basin shall conform to the requirements as set forth under **Section 4.2.21** of this chapter.
- D. Retail activities shall be confined to a space no larger than 500 square feet.
- E. Signs - Except in districts where signs are allowed, there shall be no more than one non-flashing sign, not to exceed 60 square feet in area or 10 feet in height, located at the major entrances.

#### 4.2.33 Marinas and Boat Rental Facilities, Commercial

Commercial Marinas and Boat Rental Facilities may be allowed in zoning districts which allow the use of lodging, food sales, and restaurant facilities upon the granting of a Conditional Use Permit and compliance with the following requirements:

- A. The applicant shall have an approved permit required by Section 404 of the Clean Water Act before a public hearing date is set for review of the facility plan.
- B. No off-street parking space shall be used for the storage of a boat trailer. All boat trailer storage areas shall be designated and have adequate access and egress facilities.

**NOTE: Marina and Boat Rental, Commercial** – A facility which allows the storage or docking of boats, minor servicing and repair of boats while in the water, the sale of fuel and supplies, lodging, food sales, and restaurant facilities.

- C. Construction Operations - The construction of any harbor, lake, or basin shall conform to the requirements as set forth under Section 4.2.21, Excavation and Filling and Refuse Disposal Operations of this chapter.
- D. Signs - Except in districts where signs are allowed, there shall be no more than one non-flashing sign, not to exceed 60 square feet in area or 10 feet in height, located at the major entrances.

#### 4.2.34 Mini-warehouses

Mini-warehouses may be allowed in the C-2 District where the premises abut on a roadway classified as a collector or major or minor arterial as designated in the Comprehensive Plan for all of Jefferson County, Kentucky, upon the granting of a Conditional Use Permit and compliance with the listed requirements.

- A. The property shall be landscaped so as to blend in with the surrounding area and shall be screened and buffered from adjacent uses of a non-industrial nature.
- B. No building, structure or pavement shall be located closer than 30 feet to side property lines or property lines abutting residential areas. This area is reserved as a landscape buffer area.
- C. No outside storage shall be allowed on the property.
- D. No storage of toxic or hazardous materials shall be allowed on the property.
- E. There shall be no retail or wholesale sales or distributing activities on site.
- F. Loading doors and vehicle maneuvering areas shall be located away from the exterior of the property.
- G. No structure on the site shall be taller than one story and shall not exceed 15 feet in height (except for one freestanding sign as allowed in H below).
- H. Signs - Only one freestanding sign shall be allowed and shall conform to limits established for the form district in which the sign is located.

#### 4.2.35 Mobile Home Parks

Mobile Home Parks may be allowed in the R-6, R-7, R-8A, OR-2, OR-3, C-1, C-2, and CM Districts upon the granting of a Conditional Use Permit and compliance with the listed requirements.

- A. Minimum Area - The minimum area for a mobile home park shall be three acres.
- B. Mobile Home Setbacks - No mobile home shall be located closer than 50 feet to the front property line or closer than 20 feet to any other property

line. In an instance where there is a required yard of greater depth, the more restrictive shall apply.

- C. Mobile Home Spaces - Mobile home spaces shall be no smaller than 4,000 Square Feet and minimum 32 feet wide. Each mobile home space shall have unobstructed access at least 15 feet wide to a public or private street within the Mobile Home Development which shall have unobstructed access to an exterior public street. No mobile home space shall be directly accessible from any exterior street or thoroughfare.
- D. Signs - Except in districts where signs are allowed, one stationary non-flashing sign, not to exceed 60 square feet in area, may be located at the vehicular entrance to the park. No sign shall extend into or over a required yard.
- E. Mobile Home Location - Mobile homes shall be so harbored on each space that there shall be at least a 20-foot clearance between each mobile home and mobile homes and structures.
- F. Driveways - All mobile home spaces shall front on a paved driveway of not less than 18 feet in width, which shall have unobstructed access to a public way.
- G. Recreational Vehicles - Recreational Vehicles shall be prohibited as a principal use in any Mobile Home Development.

#### 4.2.36 Multi-Family Dwellings

Multi-Family Dwellings may be permitted in the OR Office Residential District upon the granting of a Conditional Use Permit and compliance with the listed requirements.

- A. There shall be no more than one multi-family residential identification sign facing each street bordering the site. Signs shall not be illuminated, OR illumination of the sign shall be limited to internal lighting of the address portion of the sign.
- B. Landscaping – A planting/buffer strip with average width of at least 15 feet shall be provided along any property boundary adjacent to single family zoned land. This strip shall be planted in accordance with the screening requirements of Chapter 10, Part 2. A landscape plan which addressed the buffer strip, tree preservation and interior parking lot landscaping shall be submitted as part of the Conditional Use Permit application.
- C. Type and location of trash containers and related screening shall be indicated on the plan.

**4.2.37 Non-emergency Generator**

**Non-emergency generators may be located within the OR, OR-1, OTF, OR-2, OR-3, CON, C-1, C-2, C-3, C-M, M-1, M-2, M-3, EZ-1, PEC, PRO, W-1, W-2 upon the granting of a conditional use permit.**

- A. The generator shall be at least 50 feet from a perimeter property line.
- B. The generator shall require review and approval from the Air Pollution Control Board.
- C. The applicant shall present manufacturers information on the noise of the generator at time of application. The applicant shall ensure that the noise level at the property line does not exceed 65 dBa. The board may require review by an independent noise professional.
- D. The generator shall be screened as a utility substation in accordance with Chapter 10 of the LDC.

**4.2.38 Nursing Homes and Homes for the Infirm or Aged**

Nursing Homes and Homes for the Infirm or Aged may be permitted in any district upon the granting of a Conditional Use Permit and compliance with the listed requirements.

- A. All buildings shall be located at least 30 feet from any property line.
- B. One sign, not to exceed 60 square feet and six feet in height, may be placed at each of the major entrances, except in districts where larger signs are allowed.
- C. The Board of Zoning Adjustments shall add any restrictions to mitigate nuisances or adverse effects.

**4.2.39 Off-Street Parking Areas**

An Off-Street Parking Area may be permitted in a district where it is ordinarily prohibited, provided it serves a use in a building for which insufficient off-street parking space is provided, and where the provision of such parking space will materially relieve traffic congestion on the streets and when developed in compliance with the listed requirements.

- A. The area shall be located within 200 feet of the property on which the building to be served is located measured by the shortest walking distance (using sidewalks and designated crosswalks).
- B. Walls, fences, or plantings shall be provided in a manner to provide protection for and be in harmony with surrounding residential property.
- C. The minimum front, street side, and side yards required in the district shall be maintained free of parking.
- D. The area shall be used exclusively for transient parking of motor vehicles belonging to invitees of the owner or lessee of said lot.

- E. The approval of all plans and specifications for the improvement, surfacing, and drainage for said parking area will be obtained from the appropriate Director of Works prior to use of the parking area.
- F. The approval of all plans and specifications for all entrances, exits, and lights shall be obtained from the department responsible for traffic engineering prior to the public hearing on the Conditional Use Permit.

#### **4.2.40 Outdoor Paint Ball Ranges**

Outdoor Paint Ball Ranges may be located in the R-R, R-1, C-2, C-M, M-1, M-2, M-3 and EZ-1 (CUP required for M-1, M-2, M-3 and EZ-1 districts when the requirements of Section 4.3.8 are not met) Districts upon the granting of a Conditional Use Permit.

- A. All buildings and structures shall be at least 30 feet from any property line.
- B. All outdoor play areas shall be enclosed by netting (at least 60% nylon netting) at least 12 feet in height. Netting must be securely fastened at top and bottom. Playing fields shall have signs posted warning of paintball play and requiring the use of eye goggles before entering play areas.
- C. The applicant shall provide proof of insurance as a paintball facility.
- D. All designated play areas shall be at least 300 feet from any property line. The Board may reduce this distance based on additional safety precautions established by the owner/developer.
- E. Warning signs shall be placed at intervals of 75 feet of linear property boundary.
- F. Off-street parking spaces shall be provided as follows:
  - 1. Participants: 10 spaces per designated play area
  - 2. Spectators: 1 space per 300 square feet of designated spectator area
  - 3. Employees: 1 space per 2 employees
- G. All spectator areas shall be identified on the required development plan and shall be at least three (3) feet from the perimeter netting of a designated play area. All spectator areas shall be roped off to ensure that the area is visibly identified.
- H. When adjacent to a residential and/or office/residential zoning district a minimum C3 buffer shall be required or as required by the applicable intensity class, whichever is greater. All other perimeter landscaping requirements shall be in accordance with Chapter 10 of the Land Development Code.
- I. A chronograph shall be used by the developer/owner of the facility to ensure that all paintball guns do not exceed the safety velocity of 300 feet per second.



- J. Large Competitions: competitions on the site exceeding 10 teams or 60 participants shall be considered as large competitions. The board may limit the number of large competitions on a site within a year. The owner/developer shall provide a plan for large competition management that identified the following:
1. Location of spectator parking based on the expected number of spectators
  2. Location of outdoor restroom facilities
  3. Traffic safety plan for movement of spectator vehicles on and off the property approved by the agency responsible for transportation engineering.
  4. A lighting plan in accordance with Chapter 4, Part 1 shall be submitted for review and approval of the Board of Zoning Adjustments for evening competitions.
  5. Any other items or restrictions identified by the Board.

#### **4.2.41 Potentially Hazardous or Nuisance Uses**

The following uses (manufacture, processing, treatment, or storage unless otherwise specified), having accompanying hazards such as fire, explosion, noise, vibration, dust, or the emission of smoke, odor, or toxic gases may, if not in conflict with other laws or ordinances, be located in industrial zones as indicated below by Conditional Use Permit after the location and nature of such use shall have been approved by the Board of Zoning Adjustment. In reviewing an application for a CUP, the Board of Zoning Adjustment shall review the plan and statements of the applicant and the following:

- A. The Comprehensive Plan;
- B. Environmental and health related concerns raised by the operation and the applicant's proposal to mitigate any adverse effects to the public's health, safety and general welfare;
- C. The applicant's site design, buffering, and security measures and their adequacy to mitigate any adverse effects to the public's health, safety and general welfare;
- D. Any other evidence submitted by the applicant and any other party addressing the issues.

A Conditional Use Permit under this section shall be issued only if the evidence shows the applicant's operation and associated nuisances will be properly managed and the public's health, safety and general welfare will be protected. The Board of Zoning Adjustment may impose additional conditions to protect surrounding properties. All Conditional Use Permits under this section shall be issued subject to the applicant also receiving all necessary permits from local, state and federal regulatory agencies.

#### **EZ-1 and M-3**

Aluminum powder  
Brick, fireback, tile, clay products, including refractories: manufacturing, processing or treatment but not including storage  
Cement, gypsum, lime, and plaster of paris (but not storage)  
Charcoal, lampblack, carbon black, bone black, and fuel briquettes, including pulverizing  
Chemicals, including acetylene, acids and derivatives, alcohol (industrial), ammonia, aniline dyes, carbide, caustic soda, cellulose and cellulose storage, chlorine, cleaning and polishing preparation (non-soap), dressings and blackings, creosote, dyestuffs, exterminating agents and poisons, hydrogen and oxygen, plastic materials, and synthetic resins, potash, pyroxylin, tar products, turpentine and resin, and solvent-extracting  
Coal, coke, or tar products including fuel gas, and coke-oven products  
Distillation, manufacture, or refinement of coal, tar, asphalt, or asphalt products  
Metal and metal ores, reduction, refining, smelting, alloying, including blast furnaces, cupolas, and blooming mills (but not storage of metal products)  
Minerals and earths (including sand-lime products), grinding, crushing, processing or storage  
Paint manufacture, processing, or treatment (but not storage)  
Petroleum or petroleum products, refining, bulk storage, including gasoline or other petroleum products  
Plastic, manufacture, processing, treatment, or bulk storage  
Radioactive materials  
Steel works and rolling mills (ferrous) for steel, structural iron and steel fabrication, and structural products, including bars, cables, girders, rails, wire rope, or similar products  
Waste paper and rag operations  
Wood pulp or fiber, reduction or processing (including paper mill operations)

**M-3 Only**

Distillation of wood and bones  
Explosives (when not prohibited by other ordinances) including ammunition, fireworks, nitrating of cotton or other materials, nitrates (manufactured and natural) of an explosive nature, and storage of latter  
Exterminating operations where exterminating chemicals or agents are stored  
Fertilizer (organic and non-organic), including fish, oils, manure, or peat  
Glue and size (vegetable), gelatin (animal), and starch manufacture  
Grain storage or grain elevators  
Hair, hides, raw fur, leather, curing, dressing, dyeing, finishing, tanning, and storage  
Match manufacture, processing, or treatment  
Meat and fish products, including slaughtering of meat or curing of fish, packing, and storage  
Ore dumps, slag piles  
Rendering, incineration or reduction, and storage of dead animals, garbage, offal, or waste products (the entire operation to be performed within a building)  
Slaughtering of animals or poultry  
Stock yards and feed lots

**4.2.42 Private Non-profit Clubs**

Private Non-profit Clubs may be located in the R-R, R-E, R-1, R-2, R-3, R-4, R-5, U-N, R-5A, R-5B, R-6, R-7, R-8A, OR-1, OR-2, C-R or PTD Districts where such use is compatible in size and scale with surrounding land uses upon the granting of a Conditional Use Permit..

- A. All new buildings, structures, and facilities (except parking) shall be at least 30 feet from any property line.
- B. Outdoor swimming pools shall be enclosed within a fence at least six feet high.
- C. All recreation areas or play fields and parking lots shall be separated from adjacent properties by a solid fence or dense evergreen shrubbery plantings at least five feet high.
- D. One sign only may be permitted showing the name and address of the club. An attached sign shall not exceed 30 square feet in area, shall be attached flat to the face of the building, and shall not project more than 18 inches from the face of the building. A free-standing sign shall not exceed 20 square feet in area per side, shall not have more than two sides, and shall not exceed a height of six feet. Either an attached sign or a free-standing sign may be permitted, but not both. No sign shall project into any required yard. The sign may be illuminated but non-flashing.

**4.2.43 Private Proprietary Clubs**

Private Proprietary Clubs may be located in the R-R, R-E, R-1, R-2, R-3, R-4, R-5, U-N, R-5A, R-5B, R-6, R-7, OR-1, OR-2, OR-3, OTF, C-R or PTD Districts where such use is compatible in size and scale with surrounding land uses and where the lot contains at least 2 acres upon the granting of a Conditional Use Permit.

Tennis centers, racquetball clubs or similar operations requiring large structures to house the facilities shall have a development plan approved by the Planning Commission prior to filing an application for a Conditional Use Permit.

- A. All new buildings, structures and facilities shall be at least 30 feet from any property line.
- B. Outdoor swimming pools shall be enclosed with a fence at least six feet high.
- C. All recreation areas or play fields and parking lots shall be separated from adjacent properties by a solid fence or dense evergreen shrubbery plantings at least five feet high.
- D. One sign only may be permitted showing the name and address of the club. An attached sign shall not exceed 30 square feet in area, shall be attached flat to the face of the building, and shall not project more than

18 inches from the face of the building. A free-standing sign shall not exceed 20 square feet in area per side, shall not have more than two sides, and shall not exceed a height of six feet. Either an attached sign or a free-standing sign may be permitted, but not both. No sign shall project into any required yard. The sign may be illuminated but non-flashing.

#### **4.2.44 Ranges for Shotgun, Rifle, Pistol, Air Rifle, Air Pistol or Other Firearms**

Ranges for shotgun, rifle, pistol, or other firearms or for air rifle or air pistol may be allowed in the R-R, R-1, and C-2 Districts upon the granting of a Conditional Use Permit and compliance with the listed requirements.

- A. All target ranges shall be of sufficient length and be provided with an earthen back stop of sufficient height and thickness to safely stop all projectiles from the various types of weapons used.
- B. All outdoor ranges shall be enclosed by a continuous fence at least 6 feet in height to exclude animals and people.
- C. Warning signs shall be placed at intervals of 50 feet along all range fences. Indoor ranges shall have one warning sign at each entrance and at any windows, doors, or other openings in the walls.
- D. The applicant shall present a plan for removal of spent ammunition that meets state requirements for remediation of heavy metals.
- E. Indoor target ranges shall have sufficient sound proofing to prevent the sound of firearm discharge from being heard outside the walls of the range facilities.

#### **4.2.45 Riding Academies and Stables**

Riding Academies and Stables on lots less than 10 acres in size may be allowed in the R-1, R-2, R-3, R-4, C-2, and C-M Districts upon the granting of a Conditional Use Permit and compliance with the listed requirements. Proposed and existing riding academies and stables regardless of lot size that conduct shows with more than 70 participants are required to have this conditional use permit.

- A. All buildings, structures, and facilities associated with the activity shall be at least 50 feet from any property line. (The Board of Zoning Adjustments may alter this setback based on site conditions and the use of the proposed structure(s)).
- B. Exercise tracks shall be maintained in non-dust condition at all times.
- C. A four-foot tall fence (minimum) shall be erected around all outdoor areas where horses have freedom of movement.
- D. A minimum of one off-street parking space shall be provided for each three stalls for horses.
- E. A license from the Louisville Metro Animal Control is required.

- F. A waste disposal plan shall be provided.
- G. One freestanding sign not to exceed six square feet in area and six feet in height may be provided for residentially zoned property. Said sign may be located within a required building setback. One temporary banner may be placed on the property to advertise an upcoming show no more than 30 days before the advertised show and shall be removed within three (3) days after the completion of the show.
- H. All landscaping required by Chapter 10 of the LDC shall be provided unless waived or modified by BOZA.
- I. All shows shall be completed by 10:00 PM.
- J. A plan for show management shall be provided that identifies the following:
  - 1. Location of spectator parking
  - 2. Location of outdoor restroom facilities
  - 3. Traffic safety plan for movement of spectator vehicles on and off the property approved by the agency responsible for transportation engineering
  - 4. A lighting plan in accordance with Chapter 4, Part 1 shall be submitted for review and approval of the Board of Zoning Adjustment

#### **4.2.46 Scrap Metal Processing Facilities and Junkyards**

Scrap Metal Processing Facilities and Junkyards as defined in the Jefferson County Code of Ordinances may be allowed in the M-3 District upon the granting of a Conditional Use Permit and compliance with the listed requirements:

- A. Scrap Metal Operations shall be prohibited in all primary groundwater recharge areas.
- B. Operations shall be required to provide a detailed plan approved by the Metropolitan Sewer District illustrating measures taken to ensure the protection of surface and groundwater sources. Contamination of any domestic water supply, or surface run-off from the site onto any adjoining land, surface water body or wetland shall be mitigated by use of holding tanks, settling ponds or other necessary devices.
- C. All evidence of the Scrap Metal Operations shall be removed by the property owner promptly after its discontinuance as a business enterprise.
- D. The screening, buffering, security and operating standards shall comply with the requirements set forth in Jefferson County Code of Ordinances, Chapter 114.

#### **4.2.47 Sewage Disposal Plants**

Sewage Disposal Plans shall be located in any district upon the granting of Conditional Use Permit and compliance with the following standards:

- A. A building, structure, basin, lagoon, or appurtenance shall be located no closer to the property lines than as limited by the Louisville and Jefferson

County Board of Health, but in any case all yards shall be provided as required in the district in which the plant is located.

- B. All facilities shall be enclosed within a continuous fence with a minimum height of 6 feet.
- C. All residue from the treatment plant shall be removed from the premises unless fully enclosed storage facilities are provided and maintained free of nuisance, by reason of odor, sight, or insect breeding, to neighboring properties.
- D. All facilities shall be sufficiently landscaped to screen them from neighboring properties and to blend with the district in which it is located.
- E. Provisions for continuous responsible operation and maintenance of the plant shall be filed with the Board prior to the public hearing on the Conditional Use Permit.
- F. Written approval of the site location from the Louisville and Jefferson County Board of Health, Metropolitan Sewer District, and the Kentucky Department of Natural Resources and Environmental Protection, shall be filed with the Board prior to the public hearing on the Conditional Use Permit.

#### 4.2.48 Solid Waste Management Facilities

Solid Waste Management Facilities, including composting facilities, construction/demolition debris facilities, indoor recycling facilities, outdoor recycling facilities, and solid waste transfer stations may be permitted subject to the conditions and in the zoning districts listed in the following sub-sections. In addition, the following conditions apply to all of these types of facilities:

- A. All of the facilities referenced in this sub-section 4.2.46 are required to have a license to operate from the Jefferson County Waste Management District (SWR 20.0).
- B. A specific written or site plan for vehicle cleaning facilities to prevent the tracking of mud, dirt or other debris onto any public roadway shall be reviewed and approved by the Director of Works before public hearing.
- C. A continuous fence a minimum of 6 feet high shall be placed along the boundaries of all work and storage areas and provided with gates of the same construction as the fence which shall remain locked at all times when active operations are not taking place and shall be properly maintained until all operations are completed.
- D. When adjoining any residential zoning district, the facility may not be operated on Sunday or earlier than 7:00 a.m. or later than 6:00 p.m. on any other day.
- E. In addition to these conditions, the following conditions apply to the respective category.

**NOTE:** Water quality concerns for a composting facility currently need approval from the KY Division of Waste Management, KY Division of Water, and MSD.

1. **Composting Facilities** may be located in R-R, R-1, M-2, and M-3 Districts upon the granting of a Conditional Use Permit when developed in compliance with the following listed requirements:
  - a. All composting facilities must demonstrate compliance with the applicable state statutes dealing with said facilities (401 KAR Chapters 45 through 49).
  - b. No composting operation shall occur within 50 feet of any boundary of the site.
  - c. Additional landscaping is required in the buffer areas between composting activity areas and any adjacent non-industrial uses.
  - d. Provisions shall be made for the disposal of surface water falling on or crossing the site at all times during and after completion of the operations. No operation shall begin until approval has been obtained from the agencies responsible for surface water drainage and surface water quality.
  - e. The installation of roads, parking areas, buildings, structures, and operational facilities and equipment shall be located on the site so that adjoining properties will not be adversely affected.
  - f. Composting materials shall be moved off and onto the site in vehicles approved by the appropriate Director of Works.
  - g. All composting operations shall be in strict conformity with the regulations of the Louisville and Jefferson County Board of Health; Air Pollution Control District; Kentucky Department for Environmental Protection and the Director of Works. Letters or Certificates of Approval of the plans by the above agencies indicating prior review shall be filed prior to the issuance of any Conditional Use Permit. Uses shall not begin until final approval has been obtained and filed in the Board of Zoning Adjustment docket file.
  - h. The operation shall be conducted so as not to create a nuisance or cause undue noise, vibration, dust, odor, or light to adjacent properties. The premises shall be kept in a neat and clean condition at all times. No debris shall be stored on the site except on areas where active composting operations are taking place. No fires shall be permitted. Any smoldering flame or spontaneous combustion shall be immediately extinguished.
  - i. Grinding or other heavy machinery associated with composting operations located within one-half mile of residentially used or zoned property shall provide information on sound levels resulting from operation of said equipment, and hours of operation. The Board may establish conditions necessary to protect nearby residents.

- j. Except for protective fences, no building or structure erected in connection with the operation shall be located in any required yard or closer than 30 feet from any property line.
  - k. All composting facilities shall also meet the Jefferson County Waste Management District regulations covered in SWR 62.0.
2. **Construction/Demolition Debris Facilities** shall be located in the R-1, M-2, M-3, and EZ-1 Districts upon the granting of a Conditional Use Permit when developed in compliance with the following conditions.
- a. All construction/demolition debris facilities must demonstrate compliance with the applicable Jefferson County Waste Management District regulations (SWR 63.0, Construction/demolition Debris Facilities).
  - b. All work and storage areas shall be at least 100 feet from the exterior property lines. If there are any abutting residentially zoned or used parcels then all work and storage areas shall be at least 200 feet from the exterior property line.
  - c. Grinding or other heavy machinery associated with operations located within one-half mile of residentially used or zoned property shall provide information on sound levels resulting from operation of said equipment, and hours of operation. The Board may establish conditions necessary to protect nearby residents
3. **Indoor Recycling Facilities**, if not in conflict with other laws or ordinances, may be located in the M-2, M-3 and EZ-1 Industrial Districts upon granting of a Conditional Use Permit after the location and nature of such use have been approved by the Board of Zoning Adjustment. The Board of Zoning Adjustment shall review the Comprehensive Plan, the plans and statements of the applicant and shall not permit such buildings, structures, or uses until it has been shown that the public health, safety, and general welfare will be properly protected, and that necessary safe guards will be provided for the protection of surrounding property and person.

Recycling and/or storage of the following materials:

Glass and glass products  
 Paper and paper board and fiber  
 Non-ferrous metals  
 Ferrous metals (limited to food and beverage containers)  
 Wallboard  
 Plastic and rubber products, and Insulation;

may be permitted when developed in compliance with the following conditions:



- a. The operation including loading and unloading operations is completely enclosed in building(s) approved for such purposes by all applicable fire protection authorities.
  - b. The operation will not have or require any fire, smelting, fumes, chemicals or other toxic materials, hazardous waste or by-products, and the use and site shall conform to such other requirements and conditions as the Board in the exercise of sound discretion may require for the protection of surrounding property, persons, and neighborhoods values.
  - c. The building(s) shall be a minimum of 200 feet or a lesser distance if approved by the Board of Zoning Adjustment from any surrounding residential district(s). The Board may substitute additional screening requirements for a reduction of the 200-foot setback.
4. **Outdoor Recycling Facilities** (not constituting Scrap Metal Processing Facilities or Junkyards as defined in the Jefferson County Code of Ordinances) may be allowed in the M-3 Districts upon the granting of a Conditional Use Permit when developed in compliance with the following requirements:
- a. Outdoor recycling facilities located within one-half mile of residentially used or zoned property shall provide information on sound levels and hours of operation. The Board may establish conditions necessary to protect nearby residents.
  - b. All outdoor recycling work and storage areas shall be at least 100 feet from the exterior property lines. If there are any abutting residentially zoned or used parcels then all work and storage areas shall be at least 200 feet from the exterior property line.
  - c. Landscaping shall be placed between the exterior property lines and all outdoor recycling work and storage areas as described in **Chapter 10**.
  - d. The operation shall be conducted so as not to create a nuisance or cause undue noise, vibration, dust, odor, or light to adjacent properties. The premises shall be kept in a neat and clean condition at all times. No loose paper or debris shall be allowed on the site. Any smoldering flame or spontaneous combustion shall be immediately extinguished.
5. **Solid Waste Transfer Stations** may be allowed in the M-2 and M-3 Districts upon the granting of a Conditional Use Permit when developed in compliance with the following requirements:
- a. The minimum site size is 3 acres.
  - b. All on-site transferring of solid waste will be conducted entirely within an enclosed building(s).

- c. Doors to the building(s) shall remain closed except to temporarily allow transport trucks to enter and exit the building.
- d. Vehicle access to the site will be paved and will be provided only from a street classified as a collector or arterial, or from any street which leads directly from a collector street. Acceleration/deceleration lanes will be provided unless the appropriate transportation department determines they are not suitable at that particular location. All access driveways which provide site ingress or egress must be wide enough to accommodate two lanes of traffic. An area on the site must be provided between the entrance off the street and the solid waste transfer building to accommodate a minimum of ten vehicles and no vehicles will be allowed to back up on any public right-of-way.
- e. All waste processing/storage activities of a solid waste transfer station must be located a minimum of 100 feet from any exterior property line, except the minimum shall be increased to 300 feet from any residentially used or zoned property.
- f. All existing trees and vegetation on the solid waste transfer station site are to remain in an undisturbed condition in the setback areas established in Number 5, above. Where the natural growth does not provide an effective visual barrier from the view of adjoining properties and/or from a public street, vegetation will be provided according to landscaping requirements as stated in Chapter 10.
- g. Solid waste transfer stations must be served by public water and sewer facilities.
- h. All solid waste transfer stations shall comply with all the requirements of the Sanitary Code of the Louisville and Jefferson County Board of Health or its successor. These facilities shall pay special attention to Section 1302.3 regarding the storage of garbage and rubbish.
- i. All solid waste transfer stations shall also meet applicable Jefferson County Waste Management District regulations (SWR 61.0).

#### 4.2.49 Sports Arenas

Sports Arenas may be allowed in the R-R, R-1, C-2, C-M, EZ-1 and PTD Districts upon the granting of a Conditional Use Permit and compliance with the listed requirements.

- A. All buildings and structures shall be at least 30 feet from any property line.
- B. There may be one non-flashing sign, not to exceed 50 square feet in area and not to exceed 10 feet in height, located at three major entrances.

**4.2.50 Storage Yard and Contractor's Yard**

Storage Yard and Contractor's Yard may be allowed in the C-2, M-1 and C-M Districts upon the granting of a Conditional Use Permit and compliance with the listed requirements, except that a C.U.P. shall not be permitted within the Traditional Neighborhood and Traditional Marketplace Corridor Form Districts.

- A. Outdoor storage areas prohibited within form district transition zone.
- B. Stacked materials and equipment shall not exceed a height of five feet.
- C. Outdoor storage areas shall be screened from adjacent streets and properties.
- D. Storage of combustible materials shall conform to the requirements of NFPA Pamphlet 30 (information on NFPA pamphlet 30 may be obtained from local fire department).

**4.2.51 Underground Space**

Use of underground space may be permitted upon the granting of a Conditional Use Permit and may be located beneath any surface zoning district provided that the permit shall apply only to the subsurface and shall not affect the zoning district or districts designated for the surface above the underground space and provided that the vehicular access points entering and exiting the underground space shall be classified in one of the following districts: M-1, M-2, M-3, PEC, PRO, C-M, C-2, or EZ-1.

The following uses of underground space may be permitted upon the granting of a Conditional Use Permit:

- Any use permitted by right in the zoning district controlling the primary vehicle entrance.
- Any use permitted by Conditional Use Permit in the zoning district controlling the primary vehicular entrance. Such use shall comply with the listed requirements for that specific conditional use.
- Removal of previously mined materials

The granting of a Conditional Use Permit shall be subject to the following listed requirements:

- A. Applicant shall furnish to the Board of Zoning Adjustment proof of subsurface ownership rights at the time of application.
- B. Any materials stored or operations conducted therein shall be in accordance with all applicable governmental regulations, including Metropolitan Sewer District, Air Pollution Control District, Kentucky Cabinet for Natural Resources and Environmental Protection, or the Federal Environmental Protection Agency.
- C. A specific written or site plan for vehicle cleaning facilities to prevent the tracking of mud, dirt or other debris onto any public roadway shall be

reviewed and approved by the Jefferson County Engineer or City of Louisville Department of Public Works prior to the public hearing.

- D. Certification of adequate surface support to prevent cave-ins and subsidence prepared by a professional engineer registered in Kentucky shall be submitted at the time of application. Such certification may provide for exceptions or conditions which must be adhered to as a condition of Conditional Use Permit approval and must have been dated within the past three (3) years.
- E. Where applicable, underground space must have a valid building permit to develop a habitable underground building and to qualify for a certificate of occupancy.
- F. The entrances to all Underground Space sites shall be through property owned or controlled by the owners or operators of the underground space. Such entrances shall be on property properly zoned to contain the uses developed within the underground space.

#### **4.2.52 Zoos**

Zoos may be allowed in any district upon the granting of a Conditional Use Permit and compliance with the following requirements:

- A. A continuous fence at least 6 feet high shall be erected around portions of the site used for cages, pens, or yards.
- B. Except in districts where signs are allowed, there shall be no more than one non-flashing sign, not to exceed 30 square feet in area and not to exceed 10 feet in height, located at the major entrances.
- C. Buffers and Screening – There shall be a 100-foot open space and landscaped buffer between all property lines and all buildings and structures.